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GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE PLANNING COMMISSION
PO BOX 1107
GREENVILLE, MAINE
04441

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

SHORELAND ALTERATION PERMIT SA 1089 AND WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by the Appalachian Mountain Club for Shoreland Alteration Permit SA 1089, finds the following facts:

1. Applicant: Richard Preble
857 Warren Road
Palmyra, Maine 04965
2. Date of Completed Application: December 28, 2015
3. Location of Proposal: The Forks Plt., Somerset County
Plan 019, Lots 5 & 6
4. Zoning: (P-GP) Great Pond Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
5. Affected Waterbody: Moxie Lake, is a Resource Class 1B developed accessible lake with significant fishery resources.
6. The applicant's lot is developed with a lakefront residential dwelling.

Proposal

7. The applicant proposes to install rip-rap along approximately 100 linear feet of the eroding shoreline on his property. The installation of rip-rap would occur during low water periods.
8. Approximately 200 sq. ft. of P-WL1 (Wetlands of Special Significance) will be disturbed during the installation of the rip-rap. This represents the footprint of the rip rap placed along the shoreline.

Review Criteria

9. Under provisions of Section 10.23,E,3,c (14) and Section 10.23,N,3,c (11) of the Commission's Land Use Districts and Standards, shoreland alterations are uses requiring a permit.
10. Under provisions of Section 10.25, P, 2, b, (3) (f) of the Commission's Land Use Districts and Standards, neither a functional assessment nor compensation is required for single complete projects altering less than 500 square feet of freshwater wetland of special significance provided the Commission determines there will be only minimal effect on the functions and values of the freshwater wetlands.

NICHOLAS D. LIVESAY, EXECUTIVE DIRECTOR

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Review Comments

11. On September 25, 2015, staff from the Commission met the applicant on site to review the limits of the proposed shoreline stabilization and discuss the information required to complete the pending permit application. During this field meeting, the applicant agreed to use rip rap that was similar in size to the rocks found along the existing shoreline and to limit the area of disturbance to approximately 200 square feet (100 linear feet by 2 feet) and to install the rip rap from the upland area adjacent to the eroding shoreline. Based on this description of the project, it would qualify for an Expedited Shoreland Alteration Permit.
12. The facts are otherwise as represented in Shoreland Alteration Permit Application SA 1089 and supporting documents.

Based upon the above Findings, the staff concludes that:

13. The proposed activities would meet the standards in Section 10.25, P, 2, b, (3) (f) and no functional assessment or compensation is required to install rip rap within approximately 200 square feet of a P-WL1 wetlands of special significance to structurally stabilize an existing eroding shoreline.
14. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

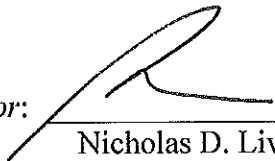
Therefore, the staff approves the application of Richard Preble with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.
2. The installation of rip rap is limited to approximately 100 linear feet of shoreline along the permittee's property and the size of the rip rap "rocks" shall be consistent in size with the existing rocks found along this section of shoreline.
3. All construction must be done during a period of low water. Any machinery operating below or adjacent to the normal high water mark must be driven on a bed of logs, mats or the rock dam surface to prevent undue disturbance of lakebed materials. No equipment may be driven below the normal low water mark across the unprotected lake bottom of Moxie Pond.
4. Upon completion of the project, all areas of exposed mineral soil above the normal high water mark of Moxie Pond must be stabilized and revegetated.
5. Flowable fill must not come into contact with water that could enter the waterbody.
6. Riprap must be installed in accordance with the Standards for Installation of Riprap (ver. 4/91), a copy of which is attached, except that riprap may be located below the normal high water mark in order to key-in the riprap and rock work needed for structural shore protection.

7. Filter fabric must be installed under the rocks along the bank in order to prevent fine particles from washing into the waterbody.
8. Prior to commencement of construction, notify the U.S. Army Corps of Engineers using the attached notification form.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS TWENTY NINTH DAY OF DECEMBER, 2015.

for:  *Nicholas D. Livesay*
Nicholas D. Livesay, Executive Director



**STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022**

**STANDARD CONDITIONS OF APPROVAL
FOR ALL SHORELAND ALTERATION PERMITS**

1. The permit certificate must be posted in a visible location on your property during performance of the activities approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, permits required under the Natural Resources Protection Act administered by the Maine Department of Environmental Protection.
5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
6. All areas of exposed mineral soil above the normal high water line or wetland boundary shall be promptly seeded and mulched so as to avoid soil erosion and lake sedimentation. Rocks and trees which are holding the shoreline and preventing erosion shall not be removed.
7. Unless otherwise specified in this permit, all work must be conducted at periods of low water when the water level is lower than the work area.
8. Unless otherwise specified in this permit, no mechanical equipment, machinery or vehicles shall be operated below the normal high water line or wetland boundary.
9. If pressure treated wood is to be used, such wood must be allowed to cure, away from the waterbody or wetland, for a minimum of three weeks prior to installation.
10. Once the activity is completed, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04



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**STANDARDS FOR THE
INSTALLATION OF RIPRAP**

Riprap shall be installed in accordance with the following standards:

1. Riprap shall be placed in such a manner as to form a slope not steeper than 2 feet horizontal for every 1 foot vertical. Flatter slopes are more stable, and, therefore, slopes of 3:1 or 4:1 are preferable.
2. Riprap shall be irregularly shaped rocks (not round rocks) of 10 inches to 12 inches in diameter (about the size of a basketball), and shall be placed in a manner that the rocks fit together and interlock. Riprap should consist of more than one layer of rocks to be stable.
3. Riprap shall be placed on top of and embedded into coarse gravel, or a sediment barrier such as filter fabric, if the original soils are clay, light sand, or other highly erodible soils.
4. Riprap shall be secured into the toe of the slope of the embankment, meaning the first layer should start approximately 6 inches below the original grade at the base of the embankment. As indicated in 5 below, this does not mean that you may encroach into the water body or wetland.
5. Riprap placed at the normal high water line shall begin at the existing shoreline and shall not extend toward the water body or wetland. The top of the shoreline shall be cut back as necessary to obtain the required 2:1 or flatter slope.
6. Rocks used for riprap shall not be obtained from the bottom of the water body or wetland, the immediate shoreline area or from areas where their removal will cause soil erosion into the water body or wetland.
7. Surface water drainage shall be diverted around the area being riprapped.
8. The riprap may not be covered with gravel, clay, loam, or any other materials.